

VZCZCXRO5990
PP RUEHMA RUEHPA
DE RUEHUJA #1535/01 1991321
ZNR UUUUU ZZH
P 181321Z JUL 07
FM AMEMBASSY ABUJA
TO RUEHC/SECSTATE WASHDC PRIORITY 0288
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHWR/AMEMBASSY WARSAW 0452
RUEHCD/AMCONSUL CIUDAD JUAREZ 0453
RUEHOS/AMCONSUL LAGOS 7424
RHEBAAA/DEPT OF ENERGY WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEKJCS/DIA WASHINGTON DC
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

UNCLAS SECTION 01 OF 02 ABUJA 001535

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DOE FOR CAROLYN GAY

E.O. 12958: N/A
TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [NI](#)
SUBJECT: EFCC ARRESTS FORMER GOVERNORS

REF: ABUJA 1434

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¶1. (U) The Economic and Financial Crimes Commission (EFCC) has arrested four former governors on allegations of money laundering, diversion of public funds for private use, conspiracy to steal, and abuse of office. Former governors Orji Kalu of Abia State and Saminu Turaki of Jigawa State were arraigned in the Abuja Federal High Court on July 16 and remanded to prison custody. In a separate court, ex-governor Joshua Dariye of Plateau State was remanded to police custody. The fourth former governor Chimaroke Nnamani of Enugu State was arrested by the EFCC on July 16; he is due to appear in the Lagos Federal High Court on July 18. The Federal High Court is set to entertain bail petitions at separate hearings within the next two weeks. The EFCC maintains that its arrest of the four governors is due to their alleged "refusal" to honor the anti-graft agency's June 11 invitation to voluntarily disclose and account for their use of state funds during their tenure in office. Under Nigerian law, governors enjoy immunity from prosecution while in office. The EFCC, while a law enforcement agency, does not possess the explicit jurisdiction to make arrests; rather, the EFCC may execute arrest warrants tendered by a Nigerian court.

¶2. (U) Chimaroke Nnamani, former governor of Enugu and currently a senator, was arrested by the EFCC on July 16 on a 34-count charge of money laundering. He is expected to appear before the Lagos Federal High Court on July 18 to hear the charges against him and render a plea. There have been conflicting reports about whether or not Nnamani is in custody. He was arrested while seeking medical treatment at the National Hospital in Abuja, but was reportedly transferred to Lagos July 17 to be arraigned. The EFCC arrested former Abia governor and Peoples Progressive Alliance (PPA) party presidential aspirant Orji Kalu on July 11. He is being indicted on 107 counts of money laundering involving some 2.7 billion Naira (21 million USD). In May 2005, Kalu faced the Code of Conduct Tribunal for allegedly operating foreign bank accounts in the Gambia and Sierra Leone. In October 2006 the EFCC declared wanted several of

Kalu's staff and his mother on counts of conspiracy, corruption, and money laundering. Former Jigawa governor Saminu Turaki, also currently serving as a senator, was arrested by the EFCC on July 11. Senator Turaki faces a 32-count charge of money laundering and misappropriation of funds totaling 3.6 billion Naira (28 million USD). Turaki evaded prosecution for alleged corrupt practices while governor of Jigawa. In February 2004, the Nigerian government seized Turaki's overseas bank accounts. The Constitution and the 2004 Code of Conduct Bureau and Tribunal Act prohibit public officials from "maintaining or operating a bank account in any country outside Nigeria." In late 2004, the Code of Conduct Bureau later pursued Turaki for possession of the off-shore accounts yet no decisive action was taken. Plateau governor Joshua Dariye, arrested by the EFCC, pleaded not-guilty to charges of money laundering involving 2 billion Naira (16 million USD) and illicit transfer of funds to third-parties. The EFCC included Turaki, Nnamani, and Kalu on its list of corrupt governors published in September 2006. Despite this, each man was allowed to run for office during the April 2007 elections. Dariye is scheduled to have a bail hearing on July 19, Turaki on July 23, and Kalu on July 25.

13. (U) By Constitutional mandate, current governors inaugurated on May 29 have been asked to declare their assets before the Code of Conduct Bureau (CCB). Section 185 of the Constitution states that an elected governor "shall not begin to perform the functions of that office until he has declared his assets and liabilities." As of July 9, the CCB maintains that twenty governors had declared their assets. While the Constitution mandates that Nigerian officials declare their assets before the CCB, the public declaration of those assets is strictly voluntary. Since July 2, three public figures have voluntarily publicized their assets declarations: President Yar'Adua, 856 million Naira (7 million USD); former

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Zamfara governor and Senate Minority Whip Ahmed Yerima, 700 million Naira (5.5 million USD); and, Ogun governor Otunba Daniel, 5 billion Naira (39 million USD). Sixteen governors have thus far failed to file with the CCB, including Kwara governor Bukola Saraki, Anambra governor Peter Obi, and Kogi governor Ibrahim Idris.

14. (SBU) Prior to the May 29 expiration of tenure (and therefore immunity) of Nigeria's former governors, the EFCC pronounced that it would hunt down and prosecute public officials the anti-graft agency deemed corrupt. By mid-July, however, the EFCC had yet to swiftly and decisively prosecute these officials. Whether the lassitude was due to inefficiency, lack of evidence, successful prior brokering of deals with the EFCC or old-fashioned politics remains unclear. The arrests of four governors in the last week seems to show that the EFCC is finally springing into action, and the detention of Obasanjo's close allies and alleged third term financiers, Enugu's Chimaroke Nnamani and Jigawa's Saminu Turaki, may indicate emerging fissures within the ranks of the People's Democratic Party (PDP). Interestingly, Turaki has stated publicly that the funds he allegedly diverted were used to finance President Obasanjo's failed third term bid, and he claims that former Presidential aide Andy Uba can confirm this, a charge Uba denies. The EFCC continues to deny any allegations of political interference in its investigations and announced July 18 that it intends to arrest an additional six governors, "some of whom were close to former President Obasanjo", soon.

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